

AMENDED IN ASSEMBLY AUGUST 23, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 6, 1999

AMENDED IN SENATE APRIL 27, 1999

SENATE BILL

No. 567

Introduced by Senator Speier
(Coauthors: Senators Figueroa and Murray)
(Coauthor: Assembly Member Longville)

February 19, 1999

An act to amend, repeal, and add Sections 12810, 27360, 27360.5, 27361, 27363, 27363.5, and 27365 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 567, as amended, Speier. Vehicles: child passenger restraint system: seatbelts.

(1) Under existing law, it is unlawful for any parent or legal guardian, when present in a motor vehicle, as defined, to permit his or her child or ward who is less than 4 years of age or weighs less than 40 pounds to be transported on the highway in the vehicle without using a specified child passenger restraint system. Existing law specifies the fines for a violation of this prohibition, provides for the allocation of those fines that are collected in accordance with a specific schedule, and provides that the fines may be waived by the court if the defendant establishes that he or she is economically disadvantaged.

This bill, instead, would require any parent or legal guardian to secure the child or ward who is less than 7 years of age in that child passenger restraint system. In addition, the bill would increase the fines for violating this provision.

The bill, in addition to the authority to waive the fines, would authorize the court to reduce the fines with respect to persons not previously convicted within a 36-month period of the offense or the offense described in (2) below *or persons convicted of second or subsequent offenses*. The bill would require persons subject to a reduced *or waived* fine to attend *and complete* an education program, and would allow the court to require other persons convicted of the offense to attend the education program. The bill would make certain conforming changes.

(2) Under existing law, it is unlawful for any parent or legal guardian, when present in a motor vehicle, as defined, to permit his or her child or ward who is between 4 and 16 years of age to be transported on the highway in the vehicle without using a safety belt.

This bill, instead, would require any parent or legal guardian to secure the child or ward who is less than 7 years of age in a specified child passenger restraint system. In addition, the bill would authorize the court to reduce or waive the fines with respect to persons not previously convicted within a 36-month period of the offense described above. The bill would authorize the court to order a person who is convicted of violating the above to attend an education program. The bill would also require fines collected for violating this prohibition to be allocated in accordance with a specified schedule. Because this would increase the duties imposed on local entities, this bill would impose a state-mandated local program.

(3) Existing law exempts from the requirements described in (1) and (2) above regarding the use of seatbelts and child passenger restraint systems on children, instances involving the transportation of children in emergencies.

This bill would limit the exemption to life-threatening emergencies and to children who are at least one year of age. The bill would thereby expand the scope of existing crimes, and would create a state-mandated local program.



The bill would make a corresponding change.

(4) Existing law authorizes a court to exempt from the child passenger restraint system requirements any child for whom it is determined that the use of the system would be impractical by reason of physical unfitness, medical condition, or size. The court is authorized to require proof of those conditions.

This bill, additionally, would authorize the court to require proof that an appropriate special needs child passenger restraint system is not available.

The bill would authorize a child weighing more than 40 pounds to be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.

(5) *Under existing law, every public or private hospital, clinic, or birthing center, is required, at the time of or before the discharge of a child under the age of 4 years, or weighing less than 40 pounds, to provide and discuss information on the law requiring child passenger restraint systems to the parents or the person to whom the child is released.*

This bill would recast this requirement to require the information to be provided at the time of discharge of a child under the age of 7 years.

(6) *The provisions of this bill would become operative on January 1, 2001.*

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state,



reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(6) The provisions of the bill would become operative on January 1, 2001.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12810 of the Vehicle Code is
2 amended to read:
3 12810. In determining the violation point count, the
4 following shall apply:
5 (a) Any conviction of failure to stop in the event of an
6 accident in violation of Section 20001 or 20002 shall be
7 given a value of two points.
8 (b) Any conviction of a violation of Section 23152 or
9 23153 shall be given a value of two points.
10 (c) Any conviction of reckless driving shall be given a
11 value of two points.
12 (d) (1) Any conviction of a violation of subdivision
13 (c) of Section 192 of the Penal Code, or of Section 2800.2
14 or 2800.3, subdivision (b) of Section 21651, subdivision (b)
15 of Section 22348, subdivision (a) of Section 23109,
16 subdivision (c) of Section 23109, or Section 31602 of this
17 code, shall be given a value of two points.
18 (2) Any conviction of a violation of subdivision (a) or
19 (b) of Section 23140 shall be given a value of two points.
20 (e) Except as provided in subdivision (g), any other
21 traffic conviction involving the safe operation of a motor
22 vehicle upon the highway shall be given a value of one
23 point.
24 (f) Any accident in which the operator is deemed by
25 the department to be responsible shall be given a value
26 of one point.
27 (g) (1) A violation of paragraph (1), (2), (3), or (5)
28 of subdivision (b) of Section 40001 shall not result in a
29 violation point count being given to the driver if the
30 driver is not the owner of the vehicle.



(2) Any conviction of a violation of subdivision (a) of Section 21116, Section 21207.5, 21708, 21710, 21716, 23120, 24800, or 26707 shall not be given a violation point count.

(3) A violation of Section 23136 shall not result in a violation point count.

(h) A conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

(i) Any conviction of a violation of Section 14601, 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value of two points.

(j) Any conviction of a violation of Section 27360 within a 37-month period shall be given a value of one point.

This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, ~~which is enacted before January 1, 2000 that is enacted before January 1, 2001~~, deletes or extends that date.

SEC. 2. Section 12810 is added to the Vehicle Code, to read:

12810. In determining the violation point count, the following shall apply:

(a) Any conviction of failure to stop in the event of a traffic accident in violation of Section 20001 or 20002 shall be given a value of two points.

(b) Any conviction of a violation of Section 23152 or 23153 shall be given a value of two points.

(c) Any conviction of reckless driving shall be given a value of two points.

(d) (1) Any conviction of a violation of subdivision (c) of Section 192 of the Penal Code, or of Section 2800.2 or 2800.3, subdivision (b) of Section 21651, subdivision (b) of Section 22348, subdivision (a) of Section 23109, subdivision (c) of Section 23109, or Section 31602 of this code, shall be given a value of two points.

(2) Any conviction of a violation of subdivision (a) or (b) of Section 23140 shall be given a value of two points.

1 (e) Except as provided in subdivision (g), any other
2 traffic conviction involving the safe operation of a motor
3 vehicle upon the highway shall be given a value of one
4 point.

5 (f) Any traffic accident in which the operator is
6 deemed by the department to be responsible shall be
7 given a value of one point.

8 (g) (1) A violation of paragraph (1), (2), (3), or (5)
9 of subdivision (b) of Section 40001 shall not result in a
10 violation point count being given to the driver if the
11 driver is not the owner of the vehicle.

12 (2) Any conviction of a violation of subdivision (a) of
13 Section 21116, Section 21207.5, 21708, 21710, 21716, 23120,
14 24800, or 26707 shall not be given a violation point count.

15 (3) A violation of Section 23136 shall not result in a
16 violation point count.

17 (h) A conviction for only one violation arising from
18 one occasion of arrest or citation shall be counted in
19 determining the violation point count for the purposes of
20 this section.

21 (i) Any conviction of a violation of Section 14601,
22 14601.1, 14601.2, 14601.3, or 14601.5 shall be given a value
23 of two points.

24 (j) Any conviction of a violation of Section 27360 or
25 27360.5 shall be given a value of one point.

26 This section shall become operative on January 1, 2001.

27 SEC. 3. Section 27360 of the Vehicle Code is amended
28 to read:

29 27360. (a) No parent or legal guardian, when present
30 in a motor vehicle, as defined in Section 27315, shall
31 permit his or her child or ward under the age of four
32 years, regardless of weight, or weighing less than 40
33 pounds, regardless of age, to be transported upon a
34 highway in the motor vehicle without providing and
35 properly using, for each child or ward, a child passenger
36 restraint system meeting applicable federal motor
37 vehicle safety standards.

38 (b) No driver shall transport on a highway any child
39 under four years of age, regardless of weight, or weighing
40 less than 40 pounds, regardless of age, in a motor vehicle,

1 as defined in Section 27315, without providing and
2 properly securing the child in a child passenger restraint
3 system meeting applicable federal motor vehicle safety
4 standards. This subdivision does not apply to a driver if
5 the parent or legal guardian of the child is also present in
6 the vehicle and is not the driver.

7 (c) (1) A first offense under this section is punishable
8 by a fine of one hundred dollars (\$100), except that the
9 court may waive the fine if the defendant establishes to
10 the satisfaction of the court that he or she is economically
11 disadvantaged and the court, instead, refers the
12 defendant to a child passenger restraint low-cost
13 purchase or loaner program. If the fine is waived, the
14 court shall nevertheless report the conviction to the
15 department pursuant to Section 1803.

16 (2) A second or subsequent offense under this section
17 is punishable by a fine of one hundred dollars (\$100), no
18 part of which may be waived by the court.

19 (d) Notwithstanding any other provision of law, the
20 fines collected for a violation of this section shall be
21 allocated as follows:

22 (1) Sixty percent to county health departments where
23 the violation occurred, to be used for a child passenger
24 restraint low-cost purchase or loaner program that shall
25 include, but not be limited to, education on the proper
26 installation and use of a child passenger restraint system.
27 The county health department shall designate a
28 coordinator to facilitate the creation of a special account
29 and to develop a relationship with the court system to
30 facilitate the transfer of funds to the program. The county
31 may contract for the implementation of the program.
32 Prior to obtaining possession of a child passenger restraint
33 system pursuant to this section, a person shall receive
34 information relating to the importance of utilizing that
35 system.

36 As the proceeds from fines become available, county
37 health departments shall prepare and maintain a listing
38 of all child passenger restraint low-cost purchase or loaner
39 programs in their counties, including a semiannual
40 verification that all programs listed are in existence. Each

1 county shall forward the listing to the Office of Traffic
2 Safety in the Business, Transportation and Housing
3 Agency and the courts, birthing centers, community
4 child health and disability prevention programs, county
5 clinics, prenatal clinics, women, infants, and children
6 programs, and county hospitals in that county, who shall
7 make the listing available to the public. The Office of
8 Traffic Safety shall maintain a listing of all of the programs
9 in the state.

10 (2) Twenty-five percent to the county for the
11 administration of the program.

12 (3) Fifteen percent to the city, to be deposited in its
13 general fund except that, if the violation occurred in an
14 unincorporated area, this amount shall be allocated to the
15 county for purposes of paragraph (1).

16 (e) This section shall remain in effect only until
17 January 1, 2001, and as of that date is repealed, unless a
18 later enacted statute, ~~which is enacted before January 1,~~
19 ~~2000~~ *that is enacted before January 1, 2001*, deletes or
20 extends that date.

21 SEC. 4. Section 27360 is added to the Vehicle Code, to
22 read:

23 27360. (a) No parent or legal guardian, when present
24 in a motor vehicle, as defined in Section 27315, shall
25 permit his or her child or ward under the age of seven
26 years to be transported upon a highway in the motor
27 vehicle without providing and properly securing the
28 child or ward, in a child passenger restraint system
29 meeting applicable federal motor vehicle safety
30 standards.

31 (b) No driver shall transport on a highway any child
32 under seven years of age in a motor vehicle, as defined in
33 Section 27315, without providing and properly securing
34 the child in a child passenger restraint system meeting
35 applicable federal motor vehicle safety standards. This
36 subdivision does not apply to a driver if the parent or legal
37 guardian of the child is also present in the vehicle and is
38 not the driver.

39 (c) (1) A first offense under this section is punishable
40 by a fine of one hundred dollars (\$100), except that the

1 court may reduce or waive the fine if the defendant
 2 establishes to the satisfaction of the court that he or she
 3 is economically disadvantaged, has not had a previous
 4 conviction for a violation of this section or subdivision (c)
 5 of Section 27360.5 within 36 months of the recent
 6 violation, and the court, instead, refers the defendant to
 7 a community education program that includes, but is not
 8 limited to, education on the proper installation and use of
 9 child passenger restraint systems for children of all ages,
 10 and provides certification to the court of completion of
 11 that program. Upon completion of the program, the
 12 defendant shall provide proof of participation in the
 13 program. If an education program on the proper
 14 installation and use of a child passenger restraint system
 15 is not available within 50 miles of the residence of the
 16 defendant, the requirement to participate in that
 17 program shall be waived. If the fine is paid, waived, or
 18 reduced, the court shall report the conviction to the
 19 department pursuant to Section 1803.

20 The court may, at its discretion, require any defendant
 21 described under this section to attend an education
 22 program that includes demonstration of proper
 23 installation and use of child passenger restraint systems
 24 and provides certification to the court that the defendant
 25 has presented for inspection a child passenger restraint
 26 system that meets applicable federal safety standards.

27 (2) A second or subsequent offense under this section
 28 is punishable by a fine of two hundred fifty dollars (\$250),
 29 no part of which may be waived by the court, *except that*
 30 *the court may reduce or waive the fine if the defendant*
 31 *establishes to the satisfaction of the court that he or she*
 32 *is economically disadvantaged, and the court, instead*
 33 *refers the defendant to a community education program*
 34 *that includes, but is not limited to, education on the*
 35 *proper installation and use of child passenger restraint*
 36 *systems for children of all ages, and provides certification*
 37 *to the court of completion of that program. Upon*
 38 *completion of the program, the defendant shall provide*
 39 *proof of participation in the program. If an education*
 40 *program on the proper installation and use of a child*

1 *passenger restraint system is not available within 50 miles*
2 *of the residence of the defendant, the requirement to*
3 *participate in that program shall be waived. If the fine is*
4 *paid, waived, or reduced, the court shall report the*
5 *conviction to the department pursuant to Section 1803.*

6 *The court may, at its discretion, require any defendant*
7 *described under this section to attend an education*
8 *program that includes demonstration of proper*
9 *installation and use of child passenger restraint systems*
10 *and provides certification to the court that the defendant*
11 *has presented for inspection a child passenger restraint*
12 *system that meets applicable federal safety standards.*

13 (d) Notwithstanding any other provision of law, the
14 fines collected for a violation of this section shall be
15 allocated as follows:

16 (1) Sixty percent to health departments of local
17 jurisdictions, as defined in Section 16700 of the Welfare
18 and Institutions Code, where the violation occurred, to be
19 used for a community education program that includes,
20 but is not limited to, demonstration of the installation of
21 a child passenger restraint system for children of all ages
22 and also assists economically disadvantaged families in
23 obtaining those restraint systems through low-cost
24 purchases or loans. The county or city health department
25 shall designate a coordinator to facilitate the creation of
26 a special account and to develop a relationship with the
27 municipal court system to facilitate the transfer of funds
28 to the program. The county or city may contract for the
29 implementation of the program. Prior to obtaining
30 possession of a child passenger restraint system pursuant
31 to this section, a person shall attend an education
32 program that includes demonstration of proper
33 installation and use of child passenger restraint systems.

34 As the proceeds from fines become available, county or
35 city health departments shall prepare and maintain a
36 listing of all child passenger restraint low-cost purchase or
37 loaner programs in their counties, including a semiannual
38 verification that all programs listed are in existence. Each
39 county or city shall forward the listing to the Office of
40 Traffic Safety in the Business, Transportation and

1 Housing Agency and the courts, birthing centers,
2 community child health and disability prevention
3 programs, county clinics, prenatal clinics, women,
4 infants, and children programs, and county hospitals in
5 that county, who shall make the listing available to the
6 public. The Office of Traffic Safety shall maintain a listing
7 of all of the programs in the state.

8 (2) Twenty-five percent to the county or city for the
9 administration of the program.

10 (3) Fifteen percent to the city, to be deposited in its
11 general fund except that, if the violation occurred in an
12 unincorporated area, this amount shall be allocated to the
13 county for purposes of paragraph (1).

14 (e) This section shall become operative on January 1,
15 2001.

16 SEC. 5. Section 27360.5 of the Vehicle Code is
17 amended to read:

18 27360.5. (a) No parent or legal guardian, when
19 present in a motor vehicle, as defined in Section 27315,
20 shall permit his or her child or ward who is four years of
21 age or older but less than 16 years of age and weighs 40
22 pounds or more to be transported upon a highway in the
23 motor vehicle without providing and properly using, for
24 each child or ward, a safety belt meeting applicable
25 federal motor vehicle safety standards.

26 (b) No driver shall transport on a highway any child
27 who is four years of age or older but less than 16 years of
28 age and weighs 40 pounds or more in a motor vehicle, as
29 defined in Section 27315, without providing and properly
30 using a safety belt meeting applicable federal motor
31 vehicle safety standards. This subdivision does not apply
32 to a driver if the parent or legal guardian of the child is
33 also present in the vehicle and is not the driver.

34 (c) (1) A first offense under this section is punishable
35 by a fine of fifty dollars (\$50).

36 (2) A second or subsequent offense under this section
37 is punishable by a fine of one hundred dollars (\$100).

38 (d) This section shall remain in effect only until
39 January 1, 2001, and as of that date is repealed, unless a
40 later enacted statute, ~~which is enacted before January 1,~~

1 ~~2000~~ *that is enacted before January 1, 2001*, deletes or
2 extends that date.

3 SEC. 6. Section 27360.5 is added to the Vehicle Code,
4 to read:

5 27360.5. (a) No parent or legal guardian, when
6 present in a motor vehicle, as defined in Section 27315,
7 may permit his or her child or ward who is seven years of
8 age or older to be transported upon a highway in the
9 motor vehicle without providing and properly securing
10 the child or ward in an appropriate child passenger
11 restraint system or safety belt meeting applicable federal
12 motor vehicle safety standards.

13 (b) No driver may transport on a highway any child
14 who is seven years of age or older in a motor vehicle, as
15 defined in Section 27315, without providing and properly
16 securing the child in a child passenger restraint system or
17 safety belt meeting applicable federal motor vehicle
18 safety standards. This subdivision does not apply to a
19 driver if the parent or legal guardian of the child is also
20 present in the vehicle and is not the driver.

21 (c) (1) A first offense under this section is punishable
22 by a fine of one hundred dollars (\$100), except that the
23 court may reduce or waive the fine if the defendant
24 establishes to the satisfaction of the court that he or she
25 is economically disadvantaged, has not had a previous
26 conviction of violating this section within 36 months of
27 the recent violation, and the court, instead, refers the
28 defendant to a child restraint education program that
29 includes, but is not limited to, demonstration of the
30 proper installation and use of child passenger restraint
31 systems for children of all ages, and provides
32 economically disadvantaged families with a child
33 passenger restraint low-cost purchase or loaner program.
34 Upon completion of the program, the defendant shall
35 provide proof of participation in the program that
36 includes an inspection of a child passenger restraint
37 system that meets applicable federal safety standards. If
38 an education program on the proper installation and use
39 of a child passenger restraint system is not available
40 within 50 miles of the residence of the defendant, the

1 requirement to participate in that program shall be
2 waived. If the fine is paid, waived, or reduced, the court
3 shall report the conviction to the department pursuant to
4 Section 1803.

5 The court may, at its discretion, require any defendant
6 punishable under this paragraph to attend an education
7 program that includes demonstration of the proper use of
8 occupant restraint systems for children of all ages.

9 (2) A second or subsequent offense under this section
10 is punishable by a fine of two hundred fifty dollars (\$250),
11 no part of which may be waived by the court, *except that*
12 *the court may reduce or waive the fine if the defendant*
13 *establishes to the satisfaction of the court that he or she*
14 *is economically disadvantaged, and the court, instead*
15 *refers the defendant to a community education program*
16 *that includes, but is not limited to, education on the*
17 *proper installation and use of child passenger restraint*
18 *systems for children of all ages, and provides certification*
19 *to the court of completion of that program. Upon*
20 *completion of the program, the defendant shall provide*
21 *proof of participation in the program. If an education*
22 *program on the proper installation and use of a child*
23 *passenger restraint system is not available within 50 miles*
24 *of the residence of the defendant, the requirement to*
25 *participate in that program shall be waived. If the fine is*
26 *paid, waived, or reduced, the court shall report the*
27 *conviction to the department pursuant to Section 1803.*

28 *The court may at its discretion, require any defendant*
29 *described under this section to attend an education*
30 *program that includes demonstration of proper*
31 *installation and use of child passenger restraint systems*
32 *and provides certification to the court that the defendant*
33 *has presented for inspection a child passenger restraint*
34 *system that meets applicable federal safety standards.*

35 (d) Notwithstanding any other provision of law, the
36 fines collected for a violation of this section shall be
37 allocated as follows:

38 (1) Sixty percent to county or city health departments
39 where the violation occurred, to be used for an education
40 program that includes, but is not limited to, the

1 demonstration of proper installation and use of child
2 passenger restraint systems for children of all ages and
3 provides child restraints for loan or low-cost purchase.

4 (2) Twenty-five percent to the county or city for the
5 administration of the program.

6 (3) Fifteen percent to the city, to be deposited in its
7 general fund except that, if the violation occurred in an
8 unincorporated area, this amount shall be allocated to the
9 county for purposes of paragraph (1).

10 (e) This section shall become operative on January 1,
11 2001.

12 SEC. 7. Section 27361 of the Vehicle Code is amended
13 to read:

14 27361. (a) Any law enforcement officer reasonably
15 suspecting a violation of Section 27360 may stop any
16 vehicle transporting a child appearing to the officer to be
17 within the age or weight specified in Section 27360. The
18 officer may issue a notice to appear for a violation of
19 Section 27360.

20 (b) This section shall remain in effect only until
21 January 1, 2001, and as of that date is repealed, unless a
22 later enacted statute, ~~which is enacted before January 1,~~
23 ~~2000 that is enacted before January 1, 2001,~~ deletes or
24 extends that date.

25 SEC. 8. Section 27361 is added to the Vehicle Code, to
26 read:

27 27361. (a) Any law enforcement officer reasonably
28 suspecting a violation of Section 27360 or 27360.5, or both
29 of those sections, may stop any vehicle transporting a
30 child appearing to the officer to be within the age or
31 weight specified in Section 27360 or 27360.5. The officer
32 may issue a notice to appear for a violation of Section
33 27360 or 27360.5.

34 (b) This section shall become operative on January 1,
35 2001.

36 SEC. 9. Section 27363 of the Vehicle Code is amended
37 to read:

38 27363. (a) The court may exempt from the
39 requirements of this article any class of child by age,
40 weight, or size if it is determined that the use of a child

1 passenger restraint system would be impractical by
2 reason of physical unfitness, medical condition, or size.
3 The court may require satisfactory proof of the child's
4 physical unfitness, medical condition, or size.

5 (b) In case of an emergency, or when a child is being
6 transported in an authorized emergency vehicle, if there
7 is no child passenger restraint system available, a child
8 may be transported without the use of such a system, but
9 the child shall be secured by a seat belt.

10 (c) This section shall remain in effect only until
11 January 1, 2001, and as of that date is repealed, unless a
12 later enacted statute, ~~which is enacted before January 1,~~
13 ~~2000 that is enacted before January 1, 2001,~~ deletes or
14 extends that date.

15 SEC. 10. Section 27363 is added to the Vehicle Code,
16 to read:

17 27363. (a) The court may exempt from the
18 requirements of this article any class of child by age,
19 weight, or size if it is determined that the use of a child
20 passenger restraint system would be impractical by
21 reason of physical unfitness, medical condition, or size.
22 The court may require satisfactory proof of the child's
23 physical unfitness, medical condition, or size and that an
24 appropriate special needs child passenger restraint
25 system is not available.

26 (b) In case of a life-threatening emergency, or when
27 a child is being transported in an authorized emergency
28 vehicle, if there is no child passenger restraint system
29 available and the child is at least one year of age, a child
30 may be transported without the use of that system, but
31 the child shall be secured by a seatbelt.

32 (c) A child weighing more than 40 pounds may be
33 transported in the backseat of a vehicle while wearing
34 only a lap safety belt when the backseat of the vehicle is
35 not equipped with a combination lap and shoulder safety
36 belt.

37 (d) This section shall become operative on January 1,
38 2001.

39 SEC. 11. *Section 27363.5 of the Vehicle Code is*
40 *amended to read:*

1 27363.5. (a) Every public or private hospital, clinic,
2 or birthing center, shall, at the time of or before the
3 discharge of a child under the age of four years, or
4 weighing less than 40 pounds, provide and discuss
5 information on the law requiring child passenger
6 restraint systems to the parents or the person to whom the
7 child is released.

8 (b) A public or private hospital, clinic, or birthing
9 center shall not be responsible for the failure of the parent
10 or person to whom the child is released to use a child
11 passenger restraint system.

12 (c) *This section shall remain in effect only until*
13 *January 1, 2001, and as of that date is repealed, unless a*
14 *later enacted statute, that is enacted before January 1,*
15 *2001, deletes or extends that date.*

16 SEC. 12. Section 27363.5 is added to the Vehicle Code,
17 to read:

18 27363.5. (a) Every public or private hospital, clinic,
19 or birthing center, shall, at the time of the discharge of a
20 child under the age of seven years provide and discuss
21 information on the current law requiring child passenger
22 restraint systems to the parents or the person to whom the
23 child is released.

24 (b) A public or private hospital, clinic, or birthing
25 center shall not be responsible for the failure of the parent
26 or person to whom the child is released to use a child
27 passenger restraint system.

28 (c) *This section shall become operative on January 1,*
29 *2001.*

30 SEC. 13. Section 27365 of the Vehicle Code is
31 amended to read:

32 27365. (a) (1) Every car rental agency in California
33 shall inform each of its customers of the provisions of
34 Section 27360 by posting, in a place conspicuous to the
35 public in each established place of business of the agency,
36 a notice not smaller than 15 inches by 20 inches which
37 states the following:

38
39 "CALIFORNIA LAW REQUIRES ALL CHILDREN
40 UNDER THE AGE OF 4, REGARDLESS OF WEIGHT,

1 OR WEIGHING LESS THAN 40 POUNDS,
2 REGARDLESS OF AGE, TO BE TRANSPORTED IN A
3 CHILD RESTRAINT SYSTEM. THIS AGENCY IS
4 REQUIRED TO PROVIDE FOR RENTAL A CHILD
5 RESTRAINT SYSTEM IF YOU DO NOT HAVE SUCH A
6 SYSTEM YOURSELF.”

7

8 (2) The posted notice specified in paragraph (1) is not
9 required if the car rental agency’s place of business is
10 located in a hotel which has a business policy prohibiting
11 the posting of signs or notices in any area of the hotel. In
12 that case, a car rental agency shall furnish a written notice
13 to each customer which contains the same information as
14 required for the posted notice.

15 (b) Every car rental agency in California shall have
16 available for, and shall, upon request, provide for rental
17 to, adults traveling with children under the age of four,
18 regardless of weight, or weighing less than 40 pounds,
19 regardless of age, child passenger seat restraint systems
20 meeting applicable federal motor vehicle safety
21 standards on the date of the rental transaction, in good
22 and safe condition, with no missing original parts, and not
23 older than five years.

24 (c) A violation of this section is an infraction
25 punishable by a fine of one hundred dollars (\$100).

26 (d) This section shall remain in effect only until
27 January 1, 2001, and as of that date is repealed, unless a
28 later enacted statute, ~~which is enacted before January 1,~~
29 ~~2000 that is enacted before January 1, 2001,~~ deletes or
30 extends that date.

31 ~~SEC. 12.~~

32 SEC. 14. Section 27365 is added to the Vehicle Code,
33 to read:

34 27365. (a) (1) Every car rental agency in California
35 shall inform each of its customers of the provisions of
36 Section 27360 by posting, in a place conspicuous to the
37 public in each established place of business of the agency,
38 a notice not smaller than 15 inches by 20 inches which
39 states the following: “CALIFORNIA LAW REQUIRES
40 ALL CHILDREN UNDER THE AGE OF 7 TO BE

1 TRANSPORTED IN A CHILD RESTRAINT SYSTEM.
2 THIS AGENCY IS REQUIRED TO PROVIDE FOR
3 RENTAL A CHILD RESTRAINT SYSTEM IF YOU DO
4 NOT HAVE A CHILD RESTRAINT SYSTEM
5 YOURSELF.”

6 (2) The posted notice specified in paragraph (1) is not
7 required if the car rental agency’s place of business is
8 located in a hotel which has a business policy prohibiting
9 the posting of signs or notices in any area of the hotel. In
10 that case, a car rental agency shall furnish a written notice
11 to each customer which contains the same information as
12 required for the posted notice.

13 (b) Every car rental agency in California shall have
14 available for, and shall, upon request, provide for rental
15 to, adults traveling with children under seven years of
16 age, child passenger seat restraint systems that meet
17 applicable federal motor vehicle safety standards on the
18 date of the rental transaction, are in good and safe
19 condition, with no missing original parts, and are not
20 older than five years.

21 (c) A violation of this section is an infraction
22 punishable by a fine of one hundred dollars (\$100).

23 (d) This section shall become operative on January 1,
24 2001.

25 ~~SEC. 13.—~~

26 *SEC. 15.* No reimbursement is required by this act
27 pursuant to Section 6 of Article XIII B of the California
28 Constitution for certain costs that may be incurred by a
29 local agency or school district because in that regard this
30 act creates a new crime or infraction, eliminates a crime
31 or infraction, or changes the penalty for a crime or
32 infraction, within the meaning of Section 17556 of the
33 Government Code, or changes the definition of a crime
34 within the meaning of Section 6 of Article XIII B of the
35 California Constitution.

36 However, notwithstanding Section 17610 of the
37 Government Code, if the Commission on State Mandates
38 determines that this act contains other costs mandated by
39 the state, reimbursement to local agencies and school
40 districts for those costs shall be made pursuant to Part 7

1 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million
4 dollars (\$1,000,000), reimbursement shall be made from
5 the State Mandates Claims Fund.

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